REMARKS

Claims 58-63 and 65-88 remain in this application. Claims 58 and 60 have been amended to better define Applicant's invention. Claims 62, 65 and 68 have been amended to overcome the Examiner's objections and rejections. Claims 58, 60 and 62 have also been broadened to more generically claim applicant's invention, only limiting it to an end of the stent, not just the distal end. Dependent claims 70-88 have been added to give applicant the full scope of protection to which he is entitled. Formal drawings are enclosed.

The Examiner rejected claims 58-61 as anticipated by Simon et al. and by Kanesaka et al. Applicant respectfully traverses these rejections. Claim 58 reads as follows:

> A expandable stent, comprising in its expanded condition: a plurality of interconnected **flexible cells** defining a stent having a proximal end, a central section and a distal end and a longitudinal axis, the cells arranged in a plurality of **interconnected flexible rows** disposed along the longitudinal axis of the stent with at least one distal row disposed at the distal end of the stent and at least one proximal row disposed at the proximal end of the stent, wherein the cells disposed in the at least one distal row of the stent are adapted to exert greater radial force and are adapted to be more flexible than the cells disposed in the rows in the central section. (Emphasis supplied.)

That is to say what are claimed in claims 58-61 are stents, which, in the expanded condition, have "flexible cells" arranged in "interconnected flexible rows." In other words as stated in the specification the stent here is a flexible stent. (See page 7, line1, for example.) So it is in the context of a flexible stent that the features of greater radial force and more flexible cells at the end are claimed. Simon et al., in contrast, is not a flexible stent with flexible cells when in the expanded condition. The stent of Simon et al. comprises "a wire skeletal frame, the frame being adapted to assume a first condition in which the frame is expanded, rigid, and substantially tubular in configuration ..." (Col. 1, lines 61-68.) (Emphasis supplied) It is only when not

expanded that the stent is described as being flexible. Thus, for this reason alone, these claims are not anticipated by Simon et al.

All claims in this group also have cells in an end row that are more flexible than cells in the middle rows. Claims 58 and 59 also require that the cells at the end exert more radial force. The Examiner contends these limitations are met by Simon et al. Applicant disagrees. The Examiner refers to Col. 3, lines 35-42 and 51-60. The first cited portion, referring to Fig. 3 reads "The fingers facilitate a gradual reduction in radially outwardly extending pressure exerted by the stent on the wall of a vascular passageway in which the stent is located. Such gradual reduction of pressure facilitates acceptance of the stent by the passageway and reduces deleterious reactions by the passageway wall to the presence of the stent." Thus, the cells at the end exert less, rather than more, radial force than either the cells next to them or cells in the middle of Fig. 3 and do not meet this limitation of claims 58 and 59. This forms another independent reason why these claims distinguish.

The second cite relates to Fig. 4 and states: "Referring to FIG. 4, it will be seen that in this embodiment, the central portion of the tubular body portion 14 includes elongated cells 20 exercising less radial force than the cells 18." The Examiner is mixing figures to find anticipation. In Fig. 4, the teaching is that the cells 18 at the end exercise more radial force than those in the center. The Examiner contends that the end cells, because of the fingers, are more flexible than the adjacent cells. But, there is no teaching of variation in flexibility. This conclusion seems based on what the Examiner thinks would happen. But, even if the Examiner were correct, the comparison of the end cells in the claim is with the cells in the center, not the adjacent cells. Following the Examiner's reasoning, with which Applicant does not agree, the cells 20 in the middle should be more flexible than the cells at the end. Thus, Fig. 4 also does not teach what is claimed.

The Examiner makes a comparison with the center cells to meet the limitation of greater radial force, but then switches to adjacent cells to try to meet the limitation of more flexibility.

This, in addition to ignoring the claim language, is simply inconsistent. When viewed consistently, neither figure teaches or suggest the cells on the end being more flexible than the cells in the middle. In Fig. 4, using the Examiner's logic that bigger cells have more flexibility, one would expect the center cells to be more flexible. As to Fig. 3, the finding is just a conclusion on the Examiner's part that is unsupported.

Thus, for each of the above reasons, Applicant believes that claims 59-61 define over Simon et al., as do newly added claims 70- 79.

With regard to the rejection based on Kanesaka et al., Applicant notes that there is no basis for the Examiner's position that Kanesaka et al. has end cells that are more flexible. Whereas, with regard to Simon et al. the Examiner contended that the extensions in the end cells made them more flexible, here he contends that smaller cells will be more flexible. Aside from being inconsistent, Applicant submits that, following the Examiner's reasoning as used with Simon, one would expect cells with shorter struts to be less flexible. Thus, Applicant submits that Kanesaka et al. does not teach or suggest end cells that are more flexible. In view of this, this group of claims also distinguishes over Kanesaka et al.

Claims 62-63 and 65-69 were rejected as anticipated by Kanesaka et al. Claim 62, as amended has the limitation of:

"wherein the cells of the at least one ~~distal~~ row at an end of the stent are provided with first and third members that are shorter than the first and third members in the central section, and wherein the at least one ~~distal~~ row at an end of the stent is coupled to ~~a next~~ an adjacent row ~~in the proximal direction~~ *with flexible connectors that result in a more flexible connection than connections between cells in the rows of the stent in the central area.*" That is to say, the language in italics defines a characteristic of the flexible connectors. Specifically, the ones connecting the row at the end of the stent are more flexible than connectors connecting rows in the center. Similar limitations are found in claims 65 and 68.

In rejecting these claims as anticipated by Kaneska et al., the Examiner's statement that this "provides for cells with greater radial force and more flexibility than the cells located in the central section ...," misses the point. As noted above, what is claimed are more flexible connectors, not more flexible cells. In Kaneska et al. the flexible connectors are called "flex joints 2." Applicant can find no teaching of any variation in these flex joints. There is no teaching that those connecting one type of struts to adjacent struts are any more flexible than those coupling the other type of struts. Thus, the independent claims above are not anticipated by Kaneska et al. Consequently, the claims dependent on these claims also define over Kaneska et al.

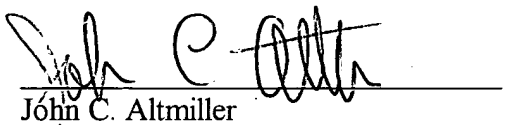
Thus, all of the claims now in the application distinguish over Simon et al. and Kaneska et al. and are in condition for allowance, prompt notice of which is respectfully solicited.

The Examiner is requested, after reviewing this response to contact the undersigned to discuss any remaining issues in this application.

The Office is authorized to charge any additional fees or credit any overpayment under 37 C.F.R. § 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: June 12, 2003



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